

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert M. Dow, Jr.	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 7247	DATE	2/15/2011
CASE TITLE	Dedrick Jeffries vs. City of Chicago, et al.		

DOCKET ENTRY TEXT

For the reasons set forth below, the Court dismisses the claims against the unserved officer Defendants without prejudice and enters judgment for Defendant City of Chicago and against Plaintiff.

[For further details see text below.]

Docketing to mail notices. Notices mailed by Judicial staff.

STATEMENT

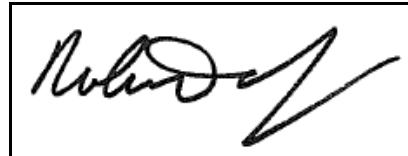
On November 18, 2009, Plaintiff Dedrick Jeffries submitted his original complaint, an application for leave to proceed in forma pauperis (“IFP”), and a motion for the appointment of counsel. The judge previously assigned to this case granted Plaintiff IFP status, but twice denied motions for the appointment of counsel. Defendant then filed a motion to dismiss, and the Court gave Plaintiff leave to file an amended complaint. Plaintiff filed his amended complaint, and Defendant filed a second motion to dismiss, to which Plaintiff failed to respond. Noting the absence of a response brief, the magistrate judge assigned to this matter requested that Plaintiff come before the Court for a status to inquire as to whether Plaintiff intended to proceed with his case. Prior to the status hearing, Plaintiff filed a third motion for the appointment of counsel. At the status hearing on September 7, 2010, the magistrate judge denied Plaintiff’s third motion for the appointment of counsel but granted Plaintiff an additional seven weeks, until October 29, to file a response to Defendant’s motion to dismiss. Despite the extension, Plaintiff did not file a response.

On December 17, 2010, the Court granted Defendant’s motion to dismiss, finding that Plaintiff had failed to state a cause of action in his amended complaint and declining to exercise supplemental jurisdiction to consider any state law claims. At that time, the Court gave Plaintiff 30 days in which to file a second amended complaint if he believed that he could cure any of the deficiencies in the federal claims asserted in his first amended complaint. The Court also noted that Plaintiff had not served Officer Peoria or any individual officers. See Fed. R. Civ. P. 4(m) (“If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order

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that service be made within a specified time"). Thus, the Court warned Plaintiff that if he did not file a second amended complaint within 30 days, the Court would dismiss the claims against the unserved officer Defendants without prejudice (see Fed. R. Civ. P. 4(m)) and enter judgment for the City of Chicago and against Plaintiff.

More than fifty days have passed and Plaintiff has neither filed a second amended complaint nor served Officer Peoria or any individual officers. Therefore, the Court dismisses the claims against the unserved officer Defendants without prejudice and enters judgment for the City of Chicago and against Plaintiff.

A handwritten signature in black ink, appearing to read "Robert J.", is enclosed within a thin black rectangular border.